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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

7 JASON JAY VER VALEN,

8 Plaintiff,

9 v.

10 HELEN DONATACCI,

11 Defendant.

No. C11-5058 RBL/KLS

ORDER GRANTING MOTION TO STAY
DISCOVERY

12 Pending before the Court is Defendant Helen Donatacci's Motion to Dismiss and Stay
13 Discovery. ECF No. 12. In this Order, the Court addresses Defendant's motion to stay
14 discovery. The motion to dismiss is the subject of a separate Report and Recommendation.
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16 **BACKGROUND**

17 In her motion for summary judgment, Defendant argues that Plaintiff's claims should be
18 dismissed because Plaintiff failed to exhaust administrative remedies and has failed to state a
19 claim upon which relief can be granted. ECF No. 12. Under separate Report and
20 Recommendation, the undersigned recommends that Defendant's motion to dismiss be granted
21 on the grounds that Plaintiff failed to exhaust administrative remedies prior to bringing this suit.
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23 **DISCUSSION**

24 The court has broad discretionary powers to control discovery. *Little v. City of Seattle*,
25 863 F.2d 681, 685 (9th Cir. 1988). Upon showing of good cause, the court may deny or limit
26 discovery. Fed. R. Civ. P. 26(c). A court may relieve a party of the burdens of discovery while

1 a dispositive motion is pending. *DiMartini v. Ferrin*, 889 F.2d 922 (9th Cir. 1989), amended at
2 906 F.2d 465 (9th Cir. 1990) *Rae v. Union Bank*, 725 F.2d 478 (9th Cir. 1984).

3 As noted above, the undersigned is recommending to the District Court that Plaintiffs'
4 claims be dismissed without prejudice for failure to exhaust administrative remedies. Defendant
5 should not face the burden and expense of responding to discovery as to claims that will be
6 dismissed if the District Court adopts the Report and Recommendation.
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8 Accordingly, it is **ORDERED**:

9 (1) Defendant's motion to stay discovery pending resolution of the motion to dismiss
10 (ECF No. 12) is **GRANTED**.

11 (2) All discovery is **STAYED** pending further order of this Court.

12 (3) The Clerk shall send a copy of this Order to Plaintiff and counsel for Defendants.
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14 **DATED** this 25th day of July, 2011.

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16 Karen L. Strombom
17 United States Magistrate Judge
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